

**REMARKS AND RESPONSE TO RESTRICTION REQUIREMENT**

The Examiner has required restriction of the invention under 35 U.S.C. 121 to one of the following groups:

**Group I:** Claims 1-26, drawn to a nucleic acid molecule comprising nucleotide sequences encoding bacteriophage recombinase and anti-recombinase functions and a recombinant organism comprising the nucleotide sequence, classified in class 435, subclass 325.

**Group II:** Claims 27-32, drawn to a method of promoting efficient recombination in a microorganism comprising the use of a vector, classified in class 435, subclass 478.

**Group III:** Claims 33-37, drawn to a method for determining whether a bacterial gene is a potential drug target, classified in class 424, subclass 9.2.

**Group IV:** Claim 38, drawn to a method of cloning a potential vaccine antigen, classified in class 424, subclass 93.2.

**Group V:** Claim 39, drawn to a vaccine, classified in class 424, subclass 184.1.

**Group VI:** Claims 41-43, drawn to a method of producing an attenuated pathogenic microorganism and the vaccine comprising the attenuated pathogenic microorganism, classified in class 424, subclass 265.1.

The Examiner states that claim 40, which is drawn to the use of a recombinant organism in a manufacture of a vaccine, is not directed to a statutory class of invention (method, process, product, machine), and as a consequence the Examiner has not included this claim among the inventions listed above.

Applicants hereby elect the Group I invention (claims 1-26, drawn to a nucleic acid molecule comprising nucleotide sequences encoding bacteriophage recombinase and anti-recombinase functions and a recombinant organism comprising the nucleotide sequence) under 35 U.S.C. §121 for prosecution in the present application, without traverse. Applicants reserve

the right to traverse the restriction between the non-elected groups in this or a separate application.

Applicant believes no fee is due with this statement. However, if a fee is due, please charge our Deposit Account No. 12-0080, under Order No. UMY-046, from which the undersigned is authorized to draw.

Dated: November 22, 2005

Respectfully submitted,

By \_\_\_\_\_

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